**IN THE HIGH COURT OF UTTARANCHAL**
**AT NAINITAL**
**Criminal Revision No. 242 of 2001**
**(Old No. 26 of 1988)**

Banarsi Das & others ….Revisionists

Versus

Smt. Usha Rani …. Opposite Party

**Hon'ble B.C. Kandpal, J.**

This is a criminal revision transferred from Allahabad High Court.

The notices were issued to the revisionists as well as opposite party. But the report available on the record shows that neither the revisionists nor the opposite party are available at the address given in the memo of revision. Hence it was not possible to serve the notices upon them.

Under the aforesaid circumstances, I heard Sri Nandan Arya learned A.G.A. and perused the record of the court below.

In the instant case a complaint was filed by Smt. Usha Rani against the revisionist for summoning them under Section 498-A and 406 I.P.C. The statement of the complaint was recorded on 18.06.1987 before the court of Munsif Magistrate, Rudrapur.

Learned Magistrate, thereafter vide order dated 10.09.1987 summoned the accused persons, namely, Prem Chandra, Banarashi, Smt. Sarla Devi Machi Ram and Neelam to face the trial under Section 498-A and 406 I.P.C.

Except Prem Chandra, four persons preferred this revision before the Court of Hon'ble Allahabad High Court which has been transferred to this Court for disposal, after the creation of Uttaranchal State.

The complaint as well as the statement recorded under Section 200 Cr.P.C. clearly reveal that there is a prim-facie case made out against the revisionists under Section 498-A and 406 Cr.P.C. Hence, this Court does not find any justification in embarking upon an enquiry to the genuineness of the allegations made in the complaint. The evidence which is yet to be produced before the trial court is to be evaluated.

I do not find any illegality, and impropriety or error of jurisdiction in the impugned order passed by the court below. Accordingly, I am of the view that the revision being devoid of any merit, is liable to be dismissed.

The revision is accordingly dismissed. The stay order dated 20.01.1986 passed by the Allahabad High Court shall stand vacated.

**(B.C. Kandpal, J.)**

15.07.2004
ASWAL